

Notice of Allowability

Application No.

10/670,733

Examiner

Sow-Fun Hon

Applicant(s)

LEFEBVRE ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 05/15/07.
2. ☒ The allowed claim(s) is/are 1-26,29-32,35 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5/15/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: The drawings filed 10/11/05 are accepted by the examiner.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance.

The closest cited prior art of record, US 6,579,607, fails to teach or suggest, even in view of US 6,444,080, US 6,132,844, US 5,236,483, US 5,732,745, US 5,451,450, US 5,879,768, US 6,706,385, US 4,399,173, US 4,954,124, US 5,401,560, US 5,194,113 and US 2003/0070579, the combination of an elastomeric film comprising one or more layers and having a total thickness of from about 1 mil to about 15 mil, wherein at least one of said one or more layers comprises from about 0.1 to about 10% by weight of an anti-skid additive, wherein the anti-skid additive has a particle size of between 50 and 500 microns and does not melt or has a melt temperature greater than 500 °F, and wherein said elastomeric film is such that: (i) a first sample of said elastomeric film having a width of 1 inch and a length of 8 inches has an elastic force of at least 97 psi at 600 seconds following a stretching cycle, said stretching cycle including stretching said first sample in the transverse direction to 50% elongation at a velocity of 20 inch/min and returning to 25% elongation, and (ii) a second sample of said elastomeric film having a width of 1 inch and a length of 8 inches exhibits an elongation of at least 6% following application of an average stress of 1000 psi to said second sample for 120 seconds.

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None of the references teach the claimed combination of elastic force and elongation characteristics of the elastomeric film containing the 50 to 500 micron-sized particles. These new limitations are supported by the specification, of which the original drawings, specifically Figures 3-5, 14-15, 19-20, dated 09/26/03 are a part. See Applicant's remarks dated 05/15/07.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached at (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon.

Sow-Fun Hon

06/07/07


RENA DYE
SUPERVISORY PATENT EXAMINER
Tech Center 1700